

REMARKS

In accordance with the foregoing, claims 7 and 12 have been amended. Claims 1-16 and 18-25 are pending, with claims 1, 11, and 21 being independent. Claims 1-16 and 18-25 are under consideration as being generic. No new matter is presented in this Amendment After Final Rejection.

Claim Amendments and Entry of Amendment After Final Rejection

Dependent claims 7 and 12 have been amended to delete the phrase "an NR₂ group, an OR group, or an SiR₃ group" that contains the variables "R," "R₂," and "R₃" that form the basis of the rejections of claims 7 and 12 under 35 USC 112, first and second paragraphs. Accordingly, it is submitted that entry of this Amendment After Final Rejection is proper under 37 CFR 1.116(b) and MPEP 714.12 and 714.13.

Request for Consideration of Information Disclosure Statement

An Information Disclosure Statement was filed on December 18, 2007, and it is respectfully requested that this Information Disclosure Statement be considered.

Allowable Subject Matter

Claims 11, 13-16, and 18-25 have been allowed.

Claims 5, 6, and 8-10 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, it is submitted that rejected base claim 1 and intervening claim 4 from which claims 5, 6, and 8-10 directly or indirectly depend are now allowable, and it is respectfully requested that the objection to claims 5, 6, and 8-10 be withdrawn and that claims 5, 6, and 8-10 be allowed.

Claim Rejections Under 35 USC 112

Claims 7 and 12 have been rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement, with the Examiner stating as follows:

The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The subject matter of claims 7 and 12 including variables "R", "R₂" and "R₃" is not described in the specification in such a way that one of ordinary skill in the art could make or use a compound having these undefined and non-described variables.

Claims 7 and 12 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention, with the Examiner stating as follows:

Claims 7 and 12 recite formulas comprising variables "R", "R₂" and "R₃". The variables are undefined and therefore considered indefinite.

The rejections of claims 7 and 12 under 35 USC 112, first and second paragraphs, are respectfully traversed.

A Declaration Under 37 CFR 1.132 by Mu-Hyun Kim was submitted with the Amendment of September 21, 2007, in an effort to overcome the rejections under 35 USC 112, first and second paragraphs. However, the Examiner has taken the position that the Declaration is insufficient to overcome these rejections for the reasons discussed on pages 4 and 5 of the Final Office Action of December 14, 2007.

Although the applicant does not concede that the Declaration is insufficient to overcome the rejection of claims 7 and 12 under 35 USC 112, first and second paragraphs, solely in an effort to eliminate this issue and advance the prosecution of the application, claims 7 and 12 have been amended to delete the phrase "an NR₂ group, an OR group, or an SiR₃ group" that contains the variables "R," "R₂," and "R₃" that form the basis of the rejections, thereby rendering the rejections moot.

For at least the foregoing reasons, it is respectfully requested that the rejections of claims 7 and 12 under 35 USC 112, first and second paragraphs, be withdrawn.

Double Patenting Rejections

Claims 1-4 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 10 of copending Application No. 10/839,338. This provisional rejection is respectfully traversed.

The Examiner states as follows:

Claims 1-4 remain provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 10 of copending Application No. 10/839,338. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of '338 requires the same layers as claim 1 of the instant application and recites "at least one of a hole injecting layer and a hole transporting layer" comprises an electron acceptor material.

Thus, the Examiner has compared independent claim 1 of the present application with independent claim 1 of copending Application No. 10/839,338 as it appears in the Amendment of April 25, 2007, filed in the copending application, in which claim 1 of the copending application recites "at least one of a hole injecting layer and a hole transporting layer interposed between the anode and the emission layer." However, in the Amendment of October 29, 2007, filed in the copending application, this phrase in claim 1 was amended to read "a hole injecting layer interposed between the anode layer and the emission layer."

Accordingly, at the time the Office Action of December 14, 2007, was issued in the present application, claim 1 of the copending application recited, *inter alia*, "a hole injecting layer interposed between the anode layer and the emission layer; wherein the hole injecting layer comprises: a host material to function as an electron donor, and a dopant material to function as an electron acceptor," but did not recite "a hole transporting layer," while claim 1 of the present application recited, *inter alia*, "a hole injection layer comprising an electron acceptor material; and a hole transport layer comprising the electron acceptor material." Thus, the Examiner has compared claim 1 of the present application with the wrong version of claim 1 of the copending application, such that the Examiner has not established a *prima facie* case of nonstatutory obviousness-type double patenting of claim 1 of the present application and claims 2-4 of the present application depending therefrom with respect to claim 1 of the copending application and claims 2-7 and 10 of the copending application depending therefrom.

The Examiner also states as follows:

With respect to the obviousness double patenting rejection, the examiner will reconsider the propriety of withdrawing the rejection in accordance with MPEP 804 and 822.01 when all other issues are resolved. It is further noted that although a terminal disclaimer was been [sic] filed in U.S. application no. 10/839,338 on July 23, 2007, the examiner of the '338 application has not yet indicated whether the terminal disclaimer is proper and has been accepted.

However, on January 10, 2008, the Examiner of copending Application No. 10/839,338 issued a Final Office Action in which the Examiner states as follows on page 2:

The rejection of claims 1-3, 6-7, 9-12, 15 and 17-19 under the judicially created doctrine of obviousness-type double patenting is overcome by applicant's [sic] submission of the terminal disclaimer.

Furthermore, it submitted that all other issues have now been resolved, such that the Examiner should now withdraw the provisional nonstatutory obviousness-type double patenting rejection of claims 1-4 pursuant to MPEP 822.01 and allow the present application to issue as a patent.

For at least the foregoing reasons, it is respectfully requested that the provisional rejection of claims 1-4 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 10 of copending Application No. 10/839,338 be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

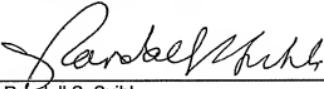
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Respectfully submitted,

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